REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Wednesday, 5th August, 2020

The House met at the Assembly Chambers at 9.00 a.m.

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

PRAYERS

STATEMENTS

STATUS OF MAKUTANO STALLS AND SIRMA ABLUTION BLOCK

Hon. Robert Maina: Thank you, Mr. Speaker. I have a statement on the status of Makutano market stalls and Sirma ablution block in Ngobit Ward. Mr. Speaker, pursuant to provisions of Standing Order No. 45(2) c I wish to seek a statement from the Chairperson Trade, Tourism and Cooperatives Committee regarding the above mentioned subject.

Mr. Speaker, in order to promote trade and develop market infrastructure for creating an enabling environment for doing business in Ngobit Ward, the County Assembly allocated funds to the tune of Kshs. 4,100,000 in the financial year 2018/2019 for Makutano market stalls and Sirma ablution block. To date, the said project has not commenced. I request the Chairperson Trade, Tourism and Cooperatives Committee to inform this House;

(1) Why the project has not commenced to date

(2) When the project is expected to commence and when it will be completed.

Thank you, Mr. Speaker.

Speaker: That is a statement by the Hon. Member for Ngobit to Trade, Tourism and Cooperatives Committee on Makutano market stalls and Sirma ablution block. As I had said previously when a Member raises a statement, at times another Member may have information that you feel is important for consideration by the committee. That would help the committee in any way to answer or raise more queries on the same in case of a related kind of issue that will be addressed through that statement. For example, if there was a stalled kiosk in another ward, instead of asking for so many statements, when it is raised through that statement it would help and guide the committee to respond in a wider view of issues. If any Member has anything to say and if there is none then we go to the next statement by Hon. Peter Matunge. Hon. Peter, you needed to say something on the same?

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Hon. Peter Matunge: No, Mr. Speaker. I see a statement request and I can see it is scheduled in the order paper but I do not have it here. Secondly, after you finished the statement you are to give the Chair time to respond to that statement.

Speaker: Yes. It is important that we get the statement for him. Hon. Stephen Ndiritu, the Chairperson for Trade, you can let the House know how much time you need for you to be able to respond to the statement by Hon. Member for Ngobit.

Hon. Stephen Ndiritu: Thank you, Mr. Speaker. I have heard the statement by Hon. Robert but if I was the one who asked that question I can even respond in the afternoon. Because I have to forward the same to the department. Let me say one month will be enough for the department. If it was me I can even respond to it even in the afternoon. Thank you.

Speaker: I did not get you well. Do you have the answers to the statement? The reason why you write to the executive is for you to seek information but if you already have the information as a committee then you do not have to write to the executive. You can even respond right away and say the reason why this case was stalled is because of this and that.

Hon. Stephen Ndiritu: Mr. Speaker, I may not have any information but I was saying if it was me to respond because he is asking the Chairman for Trade to respond, I can do it in the afternoon. But because it is the department that will respond to this statement, I will ask for two months for them to respond.

Speaker: Hon. Ndiritu, you requested for a month and that period is granted.

2018/2019 AND 2019/2020 FINANCIAL YEAR PENDING BILLS

Hon. Peter Matunge: Thank you, Mr. Speaker. I have a request for statement on 2018/2019 and 2019/2020 financial year pending bills. Pursuant to provisions of Standing Order No. 45(2) c…

Speaker: I wish to interrupt before you start, it is important that we continue putting on masks properly. The numbers in this county are rising and it is important for us to continue observing those COVID-19 rules. Social distance wherever we are and also make sure that you put on your masks properly unless you are the one on the microphone. That is allowable but for the rest let us properly put on our masks.

Hon. Peter Matunge: Thank you, Mr. Speaker for the guidance. I agree with you, Laikipia just recorded sixteen cases yesterday, so they are going up. I think we know the issue of social distancing and face masks are important guidelines given for us to protect ourselves. Pursuant to Standing Order No. 45(2) c, I wish to seek a statement from the Chairperson of County Public Accounts and Investment Committee, regarding the above mentioned subject. Pursuant to Laikipia County Appropriations Act 2020, this House authorized the County Government to issue funds for the following purposes of pending bills, recurrent and development;

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i. The amount required in 2020/2021 financial year for operations and other expenses of the County Finance, Economic Planning and County Treasury including contingent expenses on statutory deduction accruing to Kshs.15 million shillings which is recurrent in nature

ii. The amount required in 2020/2021 financial year for operation and other expenses of the County Finance, Economic Planning and the County Treasury including contingent expenses on statutory deductions accruing to seven hundred and three million which is development in nature

iii. The amount required in 2020/2021 financial year for the County Assembly for capital and development expenditure including renovation and planning services accruing to Kshs. 30,592,291 which is development in nature.

I request the Chairperson for County Public Accounts and Investment Committee;

i. To inform and submit to this House a schedule of pending bills as stated above indicating the name of the contractor or supplier and the works or services done, the contract amount, the amount and the balance thereof and the financial year it was accrued.

ii. To examine and submit a report to this House on the authenticity of the said appropriated funds for pending bills in the Laikipia County Appropriations Act 2020.

Thank you, Mr. Speaker.

Speaker: Thank you, Hon. Matunge. Hon. Ndiritu, you have an issue?

Hon. Stephen Ndiritu: Yes, Mr. Speaker. I have a statement.

Speaker: It is not yet time for statements. I will give you time to respond. As I had said before, we usually give Members time to indulge. If you have any support to the statement that would help the Committee as they respond we will not deny you time, in case there is any Member before I give the Chairperson for PAC to give us the time he needs to respond.

Hon. Daniel Mugweru: Mr. Speaker, considering that the Member has requested for 2018/2019 and 2019/2020, we can respond to this in within at least six weeks.

Speaker: That is a month and a half so the six weeks' period is granted. I know this is an issue that has really been there, this issue of pending bills. I know the committee will be able to go thoroughly through the same therefore the six weeks is reasonable time to handle the two years. The next statement is a response to statement by Hon. Stephen Ndiritu.

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Hon. Stephen Ndiritu: Thank you, Mr. Speaker. The attached statement was read on the floor of the House by Hon Matunge on 15th August, 2019 and committed to Trade, Tourism and Cooperative Committee on the same day. The response was tabled for deliberation on 20th July, 2020. However, upon deliberation in this House it was noted that the issues raised on number four and five were not adequately addressed.

The committee wrote to the CECM for Trade, Tourism and Cooperatives on 22nd July, 2020 vide reference CGL/CA/CM/002/20 requesting for a detailed response to the issues raised on or before 29th July, 2020, but none has been received. It is in view of the above that the committee is requesting for more time in order to give a response once the CECM responds.

I think there is a delay in these two offices because I have a copy from the department that they forwarded the same on 30th but the same has not reached this House. I have a copy and if you allow me to read without the Members having the copies I can do it. I do not know where the delay is coming from because the department has responded. I am confused where the response…

Speaker: You have the copy of what they responded to?

Hon. Stephan Ndiritu: Yes, I have a copy, Mr. Speaker, from the department but I got it on my own.

Speaker: Okay. It is not known whether it is somewhere in the office of the County Secretary or that of the Clerk.

Hon. Stephan Ndiritu: Yes, it is either the County Secretary is not working or the Clerk. I think those two offices should be looked into because there is something wrong going on. Thank you.

Speaker: Hon. Kanyutu, what is it?

Hon. Simon Kanyutu: I stand on a point of clarification from the Hon. Member. He has said that he has been able to access the document on his own whereas we know the procedure of getting a statement. There are procedures that are followed. He can elaborate how he accessed it, maybe we can be doing it faster because as a committee, and I am a member of trade, we have not sat down and gone through it. We should get to know how he was able to access. As my Chair said, I was a bit concerned being a member of the Trade Committee because I am not aware of it. We need his clarification on the way he accessed it.

Hon. Stephan Ndiritu: Bwana Speaker, ninafikiria Mheshimiwa Kanyutu ni kama alikua *picnic* kwa sababu nimesema vizuri ya kwamba idara iliweza kutoa majibu. Hata ukienda kwa taarifa, wanauliza Mwenyekiti wa Biashara wala sio kamati. Hivyo ndivyo taarifa inasema kwa hivyo sijui Mheshimiwa Kanyutu alitaka kufanya nini. Mimi nilipoona wakati wa kujibu taarifa umefika nilichukua jukumu na kuuliza ni kwa nini hawajajibu na nikaenda mpaka kwa idara. Niliweza kupata ya kwamba walijibu kitambo lakini haijafika hapa. Hiyo ndiyo ninasema mimi mwenyewe kama Mwenyekiti nimeshughulikia hii hoja inavyostahili. Nimesema ofisi ya Karani

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wa Bunge na ile ya Katibu wa Kaunti, kwa sababu hiyo ndiyo sheria, ndizo zimekataa kuleta kwa kuwa idara iliandika tarehe thelathini. Niko na ushahidi hapa Bungeni ya kwamba idara ilijibu na kwa hivyo ninafikiria Mheshimiwa Kanyutu angengoja wakati hii itakuja rasmi nimpe kama mwanachama wa kamati. Kwa sasa hiyo ni yangu. Asante.

Speaker: The statement was requested to the Chair but with that information you do not need to delay the Member who requested for the statement. That means it is just a matter of following up with the offices today then tomorrow morning we can be able to have the same come to this House. I think it is just important that immediately it is followed up with the Clerk's and County Secretary's office. It means it is availed to the Member for him to go through.

So we can have it tomorrow morning but in case we will not have gotten the same then we can still allocate time for it so that the Member also can have time to go through it. I hope that that is the reason why you are seeking for that extension?

Hon. Mary Samken: Mr. Speaker, I want to seek your guidance because I am wondering why Hon. Ndiritu is moving out and I wanted to refer to something that he just said about the statement being requested by the Chair. I am afraid because I am also a member of a certain committee and I have seen several statements coming to this House without passing through the committee. I believe that you cannot be a Chair without the members because you cannot lead yourself. A chair is just somebody representing the committee which is made up by the Chair and the other members.

So Mr. Speaker, we need your guidance because there is a problem in this House whereby nowadays statements come to this House without passing through the committees. I also want to know whether the Chair can make decisions alone without the other members and also with the CECM.

Speaker: May be Hon. Ndiritu could clarify but I think he said that the request was addressed to the Chair of the committee just like the way you can write a letter to this Assembly and either address it to the Speaker for him to communicate. Hon. Ndiritu, you can clarify that position.

Hon. Stephen Ndiritu: Bwana Spika, wacha niweze kumfahamisha Mjumbe Samken ya kwamba wakati taarifa inaulizwa sio kamati ambayo huuliza ilhali ni idara. Idara inapotoa majibu basi ni jukumu ya mwenyekiti kuleta hayo majibu kwa Bunge.

Hon. Simon Kanyutu: Mr. Speaker, I think that the Hon. Member is confusing this House because he is a Chair to a committee. So being a committee member, he cannot claim that once the letter is written to the Chair then it is his personal issue but a committee issue whereby even we being the members should be aware.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Wacha nimkumbushe Mheshimiwa Kanyutu...

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Speaker: Since there is quite a number of people seeking the same, it would be important for me to give them time so that you could respond wholly on the same.

Hon. Peter Matunge: Thank you, Mr. Speaker. I believe that you can remember last week when we were going through the Standing Orders there were some issues that we wanted to amend. One of the things we said that we needed to look into is the issue of the responsibility of the Chair and the other members of the committee. Today the Hon. Chair for Trade is confirming that he runs the committee alone and Hon. Mary Samken has just asked the Chair Trade whether he is leading a committee of members.

Hon. Simon Kanyutu is a member of that committee and he is confirming that he is not a party of what is in this House today. Even an extension of time to be brought into this House must have gone through the committee for the committee to agree that they need to seek an extension of time. Mr. Speaker, just give me time to finish…

Speaker: Let me just understand it because it helps me to give a directive. Is it that Hon. Kanyutu is not aware of the statement or the letter that Hon. Ndiritu talked about that he has not brought it to the committee because it has no official communication? Or is it that Hon. Kanyutu has not gone through the statement so that he can clarify what he is not aware of?

Hon. Simon Kanyutu: Mr. Speaker, it is unfortunate because I am getting the statement in the floor of this House despite being a committee member.

Speaker: That is okay now.

Hon. Peter Matunge: Thank you Mr. Speaker and thank you to the Hon. Member for just confirming that he is even getting the extension of time today. The extension of time has again been signed by the Chair of the same committee but the committee members have not discussed to agree that they need to seek extension of time. There is a very important word that the Hon. Member has just said that the statement was asked from the Chair. He is a Chair of what?

Number two, Hon. Mary has just said that there are a number of statements and not just trade that come into this House without being discussed by the committee to agree on responses to statements that are being brought into this House. So Mr. Speaker the guidance that Hon. Mary has just sought from you is very serious because I believe that this House works through committees to provide these businesses of the House. If we stop working through the committees and start working as individuals, then we don't have to build the businesses of this House. So it is a serious issue that needs to be taken very seriously.

Hon. Daniel Mugweru: Thank you, Mr. Speaker. My contribution is that I feel that the Hon. Member for Thingithu is very much correct on what he is saying. If you go to the statement that was requested from him and even the one that Hon. Matunge has just requested now in just a few minutes, we should not be discussing of how but on the technicality of the wording of the statement.

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Mr. Speaker, if I go through the one that he has just read now, he is seeking a statement not from the Committee of Public Accounts through the Chair but he is speaking directly to the Chairperson. It was supposed to be clearly written that he is seeking a statement from the Committee of Public Accounts Investment through the Chairman but now when he says that he is seeking from the Chair, it is automatically that it is from the Chair.

Number two, Hon. Kanyutu is saying that he has just seen it on the table. It is very true and Hon. Ndiritu has confirmed the same that the statement has not come through the correct channel but he has gotten it on his own way. Maybe the one that is coming through the correct channel will go through the committee but this one is his. He has gotten it from the department whereby it was supposed to go through the County Secretary then Clerk to the committee but now he has gotten it from the department. It is either we change the wording of the request of the statement or something else Mr. Speaker but the wording is very clear that 'to seek a statement from the chairperson'. It is period.

Hon. Peter Matunge: Thank you, Mr. Speaker. I think the Hon. Member from Umande has just repeated the same word 'from the chairperson'. According to the Standing Order, the chairperson is the spokesperson of the committee and that is the reason we are seeking the statement from the Chairperson because he is the spokesperson of the committee. That one does not mean that he speaks without having the authority or in agreement with the committee. He is supposed to communicate the decision of the committee because that is what the Standing Order gives us. Mr. Speaker, if that is the case, then we need to edit all the statements to seek statements from the committees.

Hon. Daniel Nyausi: Thank you, Hon. Speaker for this time. It is good to work as committees but let us also understand that chairpersons are representing those committees. Today I am standing here representing the people of Mukogodo East and I speak on their behalf. So let us stop to circumvent things. Once you are a Chair then you are a Chair and you are representing that committee and representing you will go to an extent of saying that I can even represent you when you are not there because I am the Chair anyway who is representing that committee.

I am not trying to say that it is always good to work as an individual. A good example is when you said that even now…

Hon. Peter Matunge: Mr. Speaker, the Chairperson for Liaison is misleading this House. He is comparing elected representation by the people and the chairperson of a committee. Those are two different things. The representation is given mandate by the constitution to represent those people on their behalf and the chairperson of a committee speaks on behalf of the committee about the things agreed by the committee. He is misleading the House because he cannot speak on my behalf without agreeing.

Speaker: Hon. Nyawira, if yours is different then we can let the Hon. Member finish.

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Hon. Catherine Nyawira: Mr. Speaker, I agree with Hon. Matunge that the Hon. Member from Mukogodo is misleading this House. Even if the constitution gives him the mandate to represent the people of Mukogodo, if he decides to build a mortuary there because he has decided, then he will be going against the electorates and therefore he speaks on their behalf and then he has to consult them through a fora called public participation. He is continuing to mislead this House Mr. Speaker and therefore don't let him.

Speaker: Hon. Chris Mark, is it on the same on misleading the House because it is Hon. Nyausi and then…

Hon. Chris Mark: Thank you, Mr. Speaker. I have been listening and I wondered as much as it is written chairperson, what are you a chairperson of? Are you the chairperson of oxygen or o-zone…?

Speaker: Hon. Chris, if it is not in misleading the House, I will still give you a chance…

Hon. Mark Chris: It is the misleading actually and it is coming down to that. You cannot be chairing o-zone or physical Chair. You must be chairing people. So even the elected member, if you do things without consulting the people who have elected you, then you are not clearly representing their mandate. You cannot lead when there is nobody following you from behind. You are merely walking. If there are leaders who think that they are leading and they are not consulting their constituents, then they are not leading but walking. So you cannot bring anything without consulting the committee members.

I am starting to see a trend here and you shall see a lot of minority reports. People have never known that you don't have to agree with the Chair on whatever is brought here. The committee can have a report and can have a minority reporting people where the other members are disagreeing. So it is always good in simple terms to consult the committee so that when it comes here the committee has got ownership.

Speaker: Hon. Members, you know that we had Hon. Ndiritu who was interrupted through a point of clarification. On the same it came to the Hon. Deputy Speaker and then we will not be able to get back to Hon. Ndiritu. Let us give it to the Deputy Speaker to finish and then back to any other Hon. Member who wants to make their contribution on the same.

Hon. Daniel Nyausi: Thank you, Hon. Speaker. I think I started by saying that it is always good to work with the committees but let us remember that the chairpersons are always representing them. I am not trying to say that the committees should be working independently but the Chairs are representing them. Now this Chair, anytime he wants to represent the committee, he will not need any written communication from the committee because he has already been given the mandate to Chair the committee. Again…

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Hon. Catherine Nyawira: Mr. Speaker, I beg that you do not let the Deputy Speaker to continue misleading this House. He cannot sit alone as a committee. The Standing Order does not even allow a quorum of one.

Speaker: Hon. Deputy Speaker, you can wrap up and then we can go to Hon. Mugweru and then Hon. Ndiritu.

Hon. Daniel Nyausi: Thank you, Hon. Speaker I would also wish to inform this House that a statement is just seeking information. So if the Chair like what you were just about to give the Hon. Chair for Trade that statement which was raised by Hon. Maina, if the Chair or that committee or any other Member has got the information even though we know that the information was being directed to the department. To make easy the information because we want to move and because we are not here to make fun or to request statements just for the sake, if the Chair of that committee had that information, it is very right for him to address and answer it even before moving to the next step but in most cases they do not have.

So I started by saying that its courtesy and a good practice to work as a committee together but let us not crucify something just for the sake of crucifying. Hon. Ndiritu in this particular statement according to me, he is just seeking extension of time. He went ahead and said that due to the power that was rendered to him by that particular committee, he approached the CECM concerned on the same later to understand that for them they have released the information only that that information has not come through.

That is why he is seeking for an extension of time. So I don't see why we keep on talking about the same issue when the Member is very correct. He said 'through your Chair'. Let us look at where there is a breakdown of information between the County Secretary and the Clerk which is the official agent of communication here. Regarding the information, he has confirmed that it has been released from the said department and so I don't see why we are dealing with this issue because it is very straight forward. When probably that response will be communicated through the clerk and that is the time he will call for a committee to come and deliberate and bring the report here. Thank you.

Hon. Peter Matunge: Mr. Speaker, you have continued to allow the Hon. Deputy Speaker to mislead this House and it is very unfortunate because when you are not here he sits there to tell us to follow the rules and procedures of this House.

The issue that we are debating here, can the Chair speak without authority of the committee. The issue is coming very strongly.

One, the Hon. Member from Trade confirmed he has not seen this statement coming to this House. It has been scheduled in the order paper, it has been signed by the Chair and the committee has not seen it. Two, the Hon. Member said 'I am speaking as a Chair because I was given authority. I was requested statement as a Chair'.

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Mr. Speaker, according to *Standing Order No. 160: Duties of Committee Chairperson.* I wish you give me little time to read. *Subject to the provisions of these Standing Orders and the directions of the committee, a chairperson of a committee shall-*

(a) Preside at meetings of the committee; so Mr. Speaker just preside a meeting of committees which means there are Members in that meeting.

(b) Perform the functions and exercise the powers assigned to office of the Chairperson by the committee, so he cannot perform duties that has not been assigned by the committee, *resolutions of the Assembly or legislation;* So, he should tell us which resolution of the Assembly assigned him that authority, or which legislation assigned him that authority without by the committee.

(c) be the spokesperson of the committee. So, he cannot come here and speak without authority of the committee. He cannot speak and purport to have done decision without involving the committee.

Speaker: I want us to wrap that up. Hon. Nyawira.

Hon. Catherine Nyawira: Mr. Speaker, I just wanted to respond. This is a statement that is being responded to. According to *Standing Order 45(d),* it is very clear; *where a Member requests for a statement from a Committee chairperson relating to matters under the mandate of the Committee, the Speaker may either appoint a day for the statement or direct that the statement be issued on the same day, and the statement sought must be restricted to matters within the mandate of the Committee and which have been exhaustively dealt with and concluded by the Committee or where the Chairperson is authorized by Members to issue preliminary reports to the House.*

So, it is clear the Chair can only be given mandate by the Committee. In this case, the Hon. Member Kanyutu rose and said he is unaware. Hence, the Committee Chairperson has not been given authority by the Committee.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Ninaona hapa kuna mageuzi yanataka kufanywa. Sijui inataka kufanywa kwa njia gani. Mimi kama Mwenyekiti, saa hii hapa nimeongea na ukauliza tu ni muda gani mimi nataka nipatiwe ili tuweze kujadiliana haya maneno.

Speaker: Let us consult silently, so that I can hear what the Hon. Member is saying.

Hon. Stephen Ndiritu: Ndio Bwana Spika. Mimi nikiwa hapa, Kanyutu akiwa hapa, wewe ukasema 'Mwenyekiti unataka muda wa kiasi gani uweze kutoa hiyo taarifa'? Kanyutu akiwa hapa, mimi nikamuwakilisha na nikasema miezi miwili. Kama ingekua ni kamati, ungesimama useme 'Kamati mnataka mpewe wakati gani'. Lakini mimi ndiye nimejibu na yeye akaridhika.

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Bwana Spika, hapa ni kama kuna mabishano ya mamlaka. Haya mambo ya mageuzi ambayo yanataka kufanywa kwenye Bunge hili kuwatoa wenyekiti hii haitafaulu. Hii ni ndoto na mimi nimesema vizuri.

Speaker: Order Hon. Ndiritu. Hon. Mary.

Hon. Mary Samken: Hon. Speaker, the Hon. Member from Thingithu is misleading this House. Hon. Matunge has just read the responsibilities of a Chair. So many times when the Chair is not in this House you ask for the Vice-chair and when the Vice-Chair is not there you also ask a Member of that Committee. By saying that you asked him not any other Member that is misleading this House. You could not have asked any other Member when he is seated here. Let him limit himself to what he has been asked and stop misleading this House. Thank you, Mr. Speaker.

Hon. Simon Kanyutu: Mr. Speaker, I am even shocked because the Hon. Member has said there may be a staged coup. I am the Chairman for Agriculture and I have committee Members. Even if I call for a meeting and some Members are not there, that would have been another issue. Now, he is claiming being the Chair, me being the Chairman for Agriculture I cannot talk even when the other Members are not aware. I need to inform them because the mandate I have as the Chair, I am just mandated to guide that committee. When I bring a report here I bring on behalf of that committee.

I cannot come on the floor of the Assembly and start reprimanding Members. I am sure Chris Mark is a member of the same committee, Hon. Kiguru is a Member of the same committee and Hon. Wacuka who has just left. Nobody has an issue with the Chairman. It is only just a matter of information. Whenever we have an issue on the floor of this House it is our issue that we need to resolve. At the end of the day even by the time we will be debating the same in the floor of this House, we are the people who will second.

If he stands alone, might it be he has made it a briefcase committee whereby all the other Members will not participate. We are ready to support and ensure that our committee works well. Now it seems as though he wants to work alone. That is my take Mr. Speaker.

Speaker: Hon. Ndiritu finish then I give a direction.

Hon. Stephen Ndiritu: Bwana Spika, mimi hakuna wakati nimesimama hapa nikasema nataka mwafiki wa taarifa. Kama ingekuwa mswada hiyo inataka mwafiki. Taarifa ni wapi inahitaji mwafiki? Kwa hivyo, Mheshimiwa Kanyutu anatuchanganya.

Hon. Joseph Kiguru: Mheshimiwa Spika, itakuwa makosa kulingana na mimi. Ni vizuri utuelekeze kwa sababu sioni vile nitakuwa Mwenyekiti pasipokuwa na Wanakamati. Hii tabia ya kutoheshimu. Hili ni Bunge la heshima na ninafikiria Mwenyekiti wangu ni kwa sababu tunamheshimu hata hakuna mpango wa kumtoa.

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Mheshimiwa Spika, najua ya kwamba ni vizuri akaeleza ni kwa nini ana madharau, anakejeli wanakamati na kupitia kiti chako cha heshima sioni kana kwamba ungekubali aendelee. Kwanza aondoe yale matamshi kwa sababu ni kukosea heshima. Hata kama sisi ni wanakamati wa Kamati ya Biashara tuko kwa niaba ya wengine. Katika Kamati ya Biashara tunasimamia hata wale wengine. Kwa hivyo, kukosea eeeh…

Speaker: Matamshi gani?

Hon. Joseph Kiguru: Matamshi ya kusema ya kwamba hahitaji. Yaani kukejeli sijui kana kwamba vile mwenyekiti ananongea ni kama yeye ndiye kamati na yeye ndiye kila kitu. Kwa kusema kweli hata huu ujumbe ambao unaosomwa hapa sisi kama kamati hatujakutana na hataki tukutane. Sijui kana kwamba amechukua kamati akaiweka kwa mfuko anaitoa wakati anataka kutoa na anaiweka akimaliza anarudisha kwa mfuko. Mheshimiwa Spika, tuelekeze.

Hon. Robert Maina: Mheshimiwa Spika, nakuomba huu mjadala ambao unaendelea hauelekei kwa njia inayofaa na niko na wasiwasi. Saa hii nimeitisha taarifa kwa hiyo idara. Kama Mheshimiwa wa Thingithu ndiye ataenda aketi kwa ofisi yake alete hiyo taarifa nimeitisha. Wataenda kule kwa wale wangwana apatiwe mlungula, alete hapa taarifa ambayo haifai. Tupatie mwongozo kwani hatuelekei kwa ile njia inayofaa. Asante.

Speaker: Hon. Mugweru then we go back to Hon. Ndiritu so that we finish and move.

Hon. Daniel Mugweru: Mr. Speaker, I do not want to comment on that because I did not understand what is *'mlungula'.* Hon. Ndiritu will speak on that one. What I am concerned is that we are blaming the wrong person. The Hon. Chair has clearly stated that the response from the department has not come to the committee. He said clearly that the channel that the response should come through, is through the County Secretary and the Clerk which has not happened. He has clearly stated that what he is reading and in fact he requested, 'if Hon. Speaker you allow me to read this one though it has not come through the right channel'.

Mr. Speaker, he clearly stated that the response he is reading has not come through the right channel. What we are doing we are now discussing the Hon. Chair whereby…

Speaker: Hon. Kanyutu you are back at it.

Hon. Daniel Mugweru: Mr. Speaker…

Hon. Simon Kanyutu: Mr. Speaker, I am standing on a point of clarification from the Hon. Member.

Speaker: Order! Hon. Mugweru.

Hon. Daniel Mugweru: Mr. Speaker, this is not allowed.

Hon. Simon Kanyutu: Mr. Speaker, he has claimed that what he was reading is just his personal issue but he was reading as the Chairman for Trade. If he was reading he would have said

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he is reading as a Member representing people of Thingithu. Reading as a Chairman of Trade, that is something that we being the Members should own. Even if he got it privately, bringing it as the Chairman of Trade we ought to have sat down and discussed.

Speaker: I want to first talk on that. The Hon. Stephen Ndiritu has done a lot of respect to seek an extension rather than attaching a letter that even he himself, I do not want to say he is unsure of. It is only that he was so generous with information even informing this House. That on the side he has received, he is aware of what is happening to the Department and a communication was done.

For me whatever letter he has is to confirm that the CECM has already communicated to the County Secretary. That letter can only help him to go to the Office of the Clerk and ask. Clerk, this letter was sent to your office. Has it landed here, or is it still with the County Secretary? Now, you are suffering because of your generosity with information.

That is the issue and what Hon. Ndiritu has read is not that statement on behalf of the committee. He has read a statement of extension simply because he cannot rely on a letter that he has not received through the correct channel. I think that is the case. Hon. Mugweru.

Hon. Daniel Mugweru: Mr. Speaker, that is where I was heading to that the House is blaming the wrong person. The Hon. Chair has not even read the statement; he has just said he is seeking for extension of time whereby even the committee Members have not asked him why does he need extension of time. Maybe the reason he needs the extension of time is to sit with them because till now the response has not come to him. He has just collected it from elsewhere.

Mr. Speaker, number three, if you bestow power on someone you should trust what he says. If you are uncomfortable with him saying on your behalf, you should go and vote him out or come and reject him in this House instead of bringing dramas in the House. That is what I believe because the committee bestowed power on him. The statement has not come; he has used his own ways to collect that statement.

I believe what Hon. Member was trying to communicate to this House mostly is not about the response. It was to say either the channel or the County Secretary and our Clerk there is something wrong in that system. That is the only thing he wanted to communicate nothing else. It is not the response because the response cannot even be discussed in this House because it has illegally come to this House.

Mr. Speaker, you should rest this case and do not allow people to continue misleading this House by giving more stories that are unnecessary. The Members of the Committee, if you feel that the Chairman did not represent you well go talk to him, vote him out and life continues. Thank you.

Hon. Peter Matunge: Mr. Speaker, I think we are just doing some diversion action here. Even the way you are also trying to explain what Hon. Ndiritu is doing. We have raised serious

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issues here from our Standing Orders, *the roles of Chairperson of the Committee.* Mr. Speaker, one, the Hon. Member from the same committee has not seen this extension of time. He has seen it in this House. Put aside the issues of the document he has from the Department then there is the issue of channelling the report to come to this House. That is aside.

Mr. Speaker, the issue we are discussing here. When the statements are asked in this House are they supposed to be debated and discussed by the committee and make a resolution and decision to be represented to this House? That is the question we are asking. That is the thing we are debating on. The issues that he had an additional information that is fine and okay.

The issues we are raising and even what the Hon. Mary has said and you are not picking it. She has just said there is a tendency of many committees. It is not only Trade, many committees that chairs are acting as committees. They are acting as committees and that is something we need guidance from you.

Speaker: I will give that guidance. At the same time also the Chair does not also ignore when a Member raises an issue or makes a statement that would confuse the House. When you talk of the letter he had, it is because of a Member that mentioned that of that kind of statement. They were confusing the extension with that statement. We have to indulge and give guidance. Hon. Ndiritu finish then I will give guidance on the same.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Hata ninashindwa ni kwa nini tunaongea hii maneno. Kama kuongezwa kwa muda itakuwa inahitajika kamati waketi ili waombe nyongeza ya muda, hiyo ni kumaanisha labda Bunge haitaendelea. Ni wakati upi Wanakamati wataitwa waambiwe taarifa haijakuja na nimepigiwa nikaambiwa.

Tuseme leo nilikuwa nijibu taarifa saa nane halafu nipigiwe na Karani aniambie kuwa taarifa yako haijafika. Kumaanisha kuwa tutarudisha taarifa saa nane na wengine hawako kusema ya kwamba tutafute *extension.* Nafikiri na nimesema vizuri sana kuwa kuna maneno yanayoendelea hapa. Mimi kama Mwenyekiti na nasema katika hili Bunge, kama wanaona sifai waje hapa wanitoe. Kwani ni shida gani? Kusema eti mimi nimesema sina heshima kwa Memba ni vibaya. Hakuna wakati niliposimama hapa na kusema kuwa sina heshima.

Hon. Chris Mark: Mr. Speaker, Sir, it is never wrong when a Member is advised. You do not become less of a leader by taking an advice. In fact, Hon. Ndiritu should know that he can never be removed from the House if we were to remove him. Only a Speaker or a Deputy Speaker can be removed from the House. He is removed at the committee stage. We are not in a committee; we are in the Plenary.

As the Hon. Member for Igwamiti has said, we do not have an issue with him as the Chair. I do not think there is anybody who has an issue with him. We do not want to take his Chairmanship. Nobody wants. He is a Chair of a committee. I am also a Chair of a committee even if it is not a Sectoral Committee and we are comfortable where are. We just want the committees to work well.

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Let him remove it from his mind that there is someone who wants his seat. These seats are not jobs. We do not look at them as jobs. We look at the seat of a Chair as a service. Nobody will ever go home with these seats. In fact, most of these Members can get more than the responsibility allowance that they are given. Nobody should look at this chair like it is to die for. Nobody wants the chair. We just want the committee to work.

Speaker: I think this brings us to the end. Once Ndiritu needs to finish then I give direction and we go by that.

Hon. Stephen Ndiritu: Mheshimiwa Spika, unajua sikuwa nimemaliza...

Speaker: Kindly be brief.

Hon. Stephen Ndiritu: Mheshimiwa Spika, nimeshtuka kwa Mheshimiwa Kanyutu kusema ya kwamba hawajawahi kukaa kwa meza ya hii taarifa. Ningetaka unipatie muda hata kama ni kesho nilete siku tuliyokaa akiwepo, kwa chumba cha bodi. Nilete wakati tulipojadiliana kuhusu taarifa hii kwa sababu sio jana tulipokaa hapo na tukajadiliana. Kumaanisha hata kesho utaleta kitu hapa na kusema mimi sikuwa.

Niko na ushahidi ya kwamba tulikuwa tumekaa katika chumba cha bodi na tukaongea mambo ya biashara, tukajadiliana na tukakubaliana. Hizo kumbukumbu ziko. Nimeshangaa. Kitu ambacho ninasema ni hii taarifa. Nimepata imeandikwa tarehe thelathini mwezi wa saba na nikasema kuwa sitasoma hii. Hii ni kwa sababu nilikuwa nataka kutoa huo ujumbe kwa Mheshimiwa Matunge aliyekuwa ameuliza.

Hakuna kitu kinachonifaidi kutoka kwa hii ni kujibu tu. Ilikuwa haja yangu nimpatie ujumbe. Akiona hataridhika basi tutauliza tena kwa anayehusika. Kwa hayo machache, nafikiri nimeitisha wakati. Taarifa hii itakapofika hapa nitakuwa tayari kuileta Bungeni. Kama ni hivyo nitakuwa tayari kuita hao Memba wakae chini na wajadiliane halafu iletwe Bungeni.

Hakuna mambo ya mabishano hapa ya kusema kuwa mimi nataka. Hakuna kiti siwezi kalia. Hata kilicho nyumbani kinanitosha. Naridhika, hata kama nitaenda kutolewa kule kwa mtini. Hakuna kitu cha kuja kubishana hapa. Eti mimi nataka kuwa hii, sitaki kuwa hii, kwani iko nini. Nililetwa hapa na watu wa Thingithu. Hicho ndicho kiti ambacho naheshimu. Hii ingine yote ni msaada. Nasaidia watu kwa njia ninayofikiria iko sawa. Wale waliokalia wanakalia kwa njia ambayo tuliwapa. Tukisikia hatuwataki tutawang'oa.

Speaker: Hon. Ndiritu, just be brief. You know the suffering that you have had here is simply because of the generosity you have with the information. At times you land into problems when you are too generous with information and make a lot of statements. I wish to give more direction on this particular issue during the afternoon sitting. It will have the clarification on what matters should be addressed by the committee and whether there are those matters that the Chair would address on behalf of the committee without making immediate consolation on the same.

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Example, as Hon. Ndiritu has said, when you tell the Chair to state the time he needs to respond he may not consult the committee immediately but he can speak on behalf of that committee.

You all know that before devolution came and before the change of the Constitution these statements were raised to the Ministers. It was not an issue on that committee because the Parliament was supposed to play the oversight role. The Executive was to respond but we now have more issues. It is not only here. When you go to the Senate and the National Assembly some of the proposals that we have in the Building Bridges Initiative are to have the Cabinet Members coming from the National Assembly or the Senate. The technocrats who are not in those Houses should become members of the same so that they can be in the House to respond to issues.

We all agreed that we have an issue with the response of a statement. That it takes too long for you to receive a statement from an Executive Department. At that time the Minister who was a Member of Parliament was the one expected. Either the Minister for Agriculture, Minister for Lands or Minister for public works could either respond immediately or can go and consult with his people then come to respond.

I will therefore give that clarification on when a statement is raised to a Chair what is the role of the committee and the role of the Chair in that matter. I will be able to give that direction and remove that confusion today in the afternoon at 2.30 p.m. That brings us to the end. The extension that we gave was one month. Not really, it was another statement that we gave one month. Hon. Ndiritu, how much is more time? You sought for an extension but you just said more time.

Hon. Stephen Ndiritu: Yes. Mr. Speaker, I was seeking for more time because I do not know the time at which that response will land on the Clerk's table. That is why I am seeking for more time. If it will land at the office in the afternoon, I will immediately respond to it. Thank you.

Speaker: It is okay, Hon. Ndiritu. I remember that I said we will have the same coming to this House tomorrow morning. It is just a matter of following up the letters now that you have confirmed you have the letter. In case the letter will not have landed in the Clerk's Office or to the committee by today, it then means we can still schedule more time to that case. That brings us to the end of that statement.

CONSIDERED RULING

Speaker: Hon. Members, I just wish to emphasize that this is our county. We love it as being the greatest county with the best quality of life. As we know and a Member had clarified on the numbers, we had 16 people yesterday who tested positive to COVID-19. Mine is to continue telling you that we really need to be extra careful looking at the measures that we and the government have put in place. The numbers are rising each day. We adapt to the kind of life we are living with this disease.

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As we know, we as an Assembly allowed quite a number of staff to work from home. We are coming to the Plenary on every single sitting and it then requires us to be extra careful on how we live and the interactions that we have outside there. It is not the time that we used to say that this disease is in Nairobi or in Mombasa.

We are among the counties that are appearing on the list of those with COVID-19 patients. We do not know those who have COVID-19 and those without. This is because there are those who have not yet been tested, it could be unknown if they have it. We can only be sure of those person(s) in the quarantine facilities. It means that you should treat every person you meet as a person suffering from COVID-19. This is not by intimidating or stigmatising but by you taking care.

Those who drive say that you consider every other driver is not a normal. You take the caution that it requires. It is our life. We said that when you protect yourself, you protect your family and all of us. Let us be very careful on how we live. I should not just keep quiet when I enter by the gate or the reception and my temperature is not taken. It should be my own concern. It should also be my effort to make sure that my temperature is known even for me to understand what kind of a temperature I have.

I really wish to request we be very sensitive on how we live because this disease is with us. If you are able, you are advised to avoid so many interactions that may not be necessary and also the way you used to sit down in crowds and enjoy tea or whatever stories that you want to tell people. I think it is time we somehow retreat to our own families and ourselves to a very restricted number of people we meet each and every single day.

I believe that the more people you meet in a day the more likely you can suffer COVID-19. Those who have COVID-19 are not marked. There are those who have it and are not yet tested therefore not aware that they have it. I would also encourage that it is important if you are able to go for a test to do the same. You will be sure that you are safe because when you are safe your family is also safe. I see as if Hon. Kanyutu has learnt a little. I have not learnt this kind of a language.

Hon. Simon Kanyutu: Mr. Speaker, you can organize a testing for us here in the Assembly rather than going to the showground.

Speaker: We can do that for the Members who want to be tested. I believe it is possible for us to facilitate and have it. There are some County Assemblies that I know have tested all the Members and staff. May be it was because there was a staff who suffered the same and wanted to know who could be the other Members.

Hon. Chris Mark: It is not like HIV that if you test that when you test positive it is permanent. What if we do the mass testing today then Kanyutu greets his constituents on his way to Muhotetu? You have just given us the masks. You have not given us the glass then someone sneezes and it enters through the eyes then Hon. Kanyutu, God forbid since he is a youthful

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Member and we want to be with us for the longest time, comes back next week. We had been tested and he then infects us all again.

The good thing with the HIV, and it is not a good thing but actually a bad disease, is that the testing is permanent. We see that if you are positive you are positive. I do not know how we can sort that issue. We might test today and Matunge becomes very confident, goes to shade hotels, meets constituents and then next week he is infecting us. I do not know how we can handle that. Maybe we can have a monthly testing.

Speaker: It is an issue that we can all discuss during our free time to see the best way we can go through it. Mine is to sensitize that we have this Disease. There is nothing bad as like when a person takes care of himself but is infected by another person who does not take care of himself. Anyone can infect you and when you know that, it then means you have to guard your own self. As much as the bible says that you guide your own heart, I also say that you guide your physical self so that you do not get infected.

Let us reduce the number of people whom we interact with and moving to some crowded places. Let us make sure that we sanitize, observe social distance and that we have a mask. It is not a comfortable thing to have but because of the times we are living in, let us make sure that we observe these Ministry of Health (MOH) guidelines.

We can still invite the CECM Health and his team to give us more updates if required. You remember that when the disease came we used to sit and they gave us more data. It is important for us as leaders to have those numbers in our fingertips. Nowadays we have televisions everywhere and people are so exposed to information. It will be a challenging thing because you have a lot of things to do as a Hon. Member. Some of us will rarely watch televisions. I cannot remember the last day I listened to a radio unless when driving. You have this number of meetings and you are so busy as it is the way your lifestyle is.

You might find that there is a public member who comes from your own village including your own mother, brother or sister who might have more information through the radios than you have. It is important to get first-hand information from our health team as they are able to give us that data. May be you heard that there is a rising number in Laikipia but your mother tells you that there are 16 people in Laikipia who were mentioned yesterday and you are asking your mother, really? She will see you as if you are not supposed to be a leader because a leader should have that information.

As an Assembly, we will organize to be calling the health team to be informing us. That also means that we be available. What happens at times is when you call them and we then have only two or three Members. The audience is that limited.

ADJOURNMENT

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Speaker: The sittings of this House now stands adjourned until later today, Wednesday 5th August, 2020 at 2.30 p.m.

The House rose at 10.10 a.m.

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